

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,	:	CASE NO.: 3:18-CR-32-TMR-2
Plaintiff,	:	
v.	:	HONORABLE THOMAS M. ROSE
TAWNNEY M. CALDWELL,	:	
Defendant,	:	

**RESPONSE TO DEFENDANT’S MOTIONS FOR PRE-PROCEEDING PRODUCTION
OF CONFIDENTIAL RECORDS FOR PRETRIAL MITIGATION INVESTIGATION**

The Government is in receipt of defendant’s Motions for Pre-Proceeding Production of Confidential Records for Pretrial Mitigation Investigation. (R. 170 and 171). In those Motions, Defendant asks the Court to compel the Government to produce discovery of certain specified records. The Government has confirmed that it does not possess any of the identified records. The Government does, however, have records that contain mental health information. Those items shall be submitted to the Court *in camera* for a determination if those items should be disclosed to defense counsel.

In speaking with counsel for Defendant, it is understood that the Motions alternatively seek this Court to grant an order permitting defense counsel to obtain the specified records. While the Government does not oppose the request for records that contain the sought after mitigation material, it is believed that these records also contain confidential and sensitive information that is not relevant to mitigation and which would not fit the criteria of information

being sought. Therefore, the Government requests the Court hold a hearing or teleconference on the Motion to discuss the matter further.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Amy M. Smith

Amy M. Smith (0081712)
Assistant United States Attorney
200 West Second Street, Suite 600
Dayton, Ohio 45402
(937) 225-2910
Fax: (937) 225-2564
Amy.Smith2@usdoj.gov

s/Michael J. Hunter

MICHAEL J. HUNTER (0076815)
Assistant United States Attorney
Attorney for Plaintiff
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215
Phone: 614-469-5715
Fax: 614-469-2200
Email: michael.hunter@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response was served this 5th day of June, 2019, on defense counsel via the Court's ECF filing system.

s/Amy M. Smith

AMY M. SMITH (0081712)

s/Michael J. Hunter

MICHAEL J. HUNTER (0076815)